



1713

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hans Peter RATH

Serial No. 09/701,587

Filed: November 30, 2000

For: PREPARATION OF HIGHLY REACTIVE POLYISOBUTENES

Art Unit: 1713

Examiner: Lu

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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT
AND
REQUEST FOR RECONSIDERATION

Sir:

This paper is being filed in response to the office action of June 6, 2002.

The examiner has required restriction in accordance with 37 CFR §1.499 between:

Group I, claims 1-9, drawn to a process of polyisobutene preparation, and
Group 2, claim 10, drawn to a polyisobutene.

Applicants wish to elect Group I, claims 1-9 for further prosecution, with traverse.

The examiner argues that the inventions listed as Groups I and II do not relate to a single inventive concept under PCT Rule 13.1. In support of this, the examiner believes that Groups I and II lack the same or corresponding technical feature because they comprise the same polyisobutene as that of Rath (US 5,408,018). Applicants respectfully request reconsideration of the restriction requirement in light of the following remarks.

As discussed in the specification, page 5, lines 8-26, the '018 patent discloses boron trifluoride as catalyst in the presence of secondary alcohols having 3-20 carbon atoms and/or dialkyl ethers having 2-20 carbon atoms where the dialkyl ethers used are preferably ethers containing at least one tertiary alkyl group. The present invention utilizes a boron trifluoride complex comprising boron trifluoride and a primary alcohol having 1-20 carbon atoms or a secondary alcohol having 3-20 carbon atoms, or a mixture of these alcohols, and an ether containing no tertiary alkyl groups and having the formula I, as described. Accordingly, the instant invention produces a simpler process resulting in the reduction of by-products in the form of tertiary butanol and tertiary organic fluorides. These changes result advantageously in the reduction of solvent purifications costs and increase the polymer yield. As claim 10 is a product of the novel process of claims 1-9, the polyisobutene of claim 10 *a priori* must be novel. As a result, applicants respectfully request reconsideration of the restriction requirement.

a process only defines a process not a product

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Respectfully submitted,

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